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Citizenship Rights for Immigrants: National Political Processes and Cross-National Convergence in Western Europe, 1980–2008¹

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Immigrant citizenship rights in the nation-state reference both theories of cross-national convergence and the resilience of national political processes. This article investigates European countries' attribution of rights to immigrants: Have these rights become more inclusive and more similar across countries? Are they affected by EU membership, the role of the judiciary, the party in power, the size of the immigrant electorate, or pressure exerted by anti-immigrant parties? Original data on 10 European countries, 1980–2008, reveal no evidence for cross-national convergence. Rights tended to become more inclusive until 2002, but stagnated afterward. Electoral changes drive these trends: growth of the immigrant electorate led to expansion, but countermobilization by right-wing parties slowed or reversed liberalizations. These electoral mechanisms are in turn shaped by long-standing policy traditions, leading to strong path dependence and the reproduction of preexisting cross-national differences.

INTRODUCTION

Citizenship rights define the boundaries of and rules of access to the polity, and the rights, obligations, and identities that tie states and citizens (Koop-

¹ We are grateful for the extensive and constructive comments that we received from our reviewers. We would also like to thank our colleagues at the Department of Migration, Integration, Transnationalization at the WZB for their comments and suggestions at various stages of this project. We also acknowledge the feedback we received from colleagues during presentations of earlier versions of this article at the 2010 ASA meetings in Atlanta and at the Council of European Studies conferences in Montreal, 2010, and Barcelona, 2011. Special thanks go to Keith Banting and Will Kymlicka, not only for their comments, but also for generously sharing their new and as yet

mans et al. 2005, p. 7). As such, they touch upon the core of what makes a nation-state. Immigrants are as border-crossers not born into the political community of their country of destination, and states therefore need to formulate rules and conditions for how immigrants can acquire rights. Many immigrants originate in countries that differ culturally and religiously from the land of immigration and thus raise questions of cultural identity and the conditions under which countries provide room for cultural and religious traditions other than their own. The extension of rights to immigrants is also relevant for the wider question of whether, under conditions of economic and cultural globalization and the rise of supranational forms of governance, historical distinctions between nation-states are eroding and a convergence of policies around shared global or regional standards is occurring (e.g., Beck 1998; Held et al. 1999).

Immigrant citizenship rights, as we conceive of them, are not limited to access to the nationality of the immigration country. They include the rights of resident aliens, as well as rights extended to minority ethnic or religious groups of immigrant origin, irrespective of their nationality status. In this study, we analyze the evolution of these rights across 10 European countries during the period 1980–2008. Our aim is not to explain why countries historically have different traditions of extending rights to immigrants, as there are already a number of excellent studies that address this question, which refer, among other things, to trajectories of nation-building and the heritage of colonialism (Brubaker 1992; Howard 2009; Janoski 2010). We take these historical differences as given and investigate to what extent they have endured since 1980 and which factors can explain expansions and restrictions.

Two strands of theorizing on immigrant rights can be contrasted (see, e.g., Freeman 2006, p. 227). The first predicts cross-national convergence toward greater inclusiveness because of the diffusion of supranational norms and shared commitments of democracies to liberal principles. The second emphasizes national political processes, in particular, path-dependent policy traditions and electoral factors. As is often the case in theoretical debates, the two perspectives come in different variants and are not always clearly demarcated from one another, and many authors combine elements drawn from both of them (e.g., Botecheva and Martin 2001; Heckmann and Schnapper 2003). Nevertheless, for heuristic reasons it is useful to emphasize the distinctiveness of the two approaches, because they imply different predictions regarding trends in immigrant rights and identify different causal mechanisms behind change.

unpublished data on multicultural rights with us. Direct correspondence to Ruud Koopmans, Department of Migration, Integration, Transnationalization, WZB, Reichpietschufer 50, 10785 Berlin, Germany. E-mail: koopmans@wzb.eu

Although there is a broad literature behind the two perspectives, the empirical verdict on their relative validity is as yet inconclusive. Much evidence that has been advanced in favor of one or the other explanation is based on one or a few countries, rarely compares the explanatory power of rival perspectives directly, and is not based on a consistent and encompassing measurement of policies (Odmalm 2007). The only partial exceptions that we are aware of are Janoski (2010), who, however, does not focus on explaining policies but on an outcome of policies, naturalization rates, and Howard (2009), whose analysis is restricted to naturalization policies, which as we argue is only one aspect of immigrant rights. By testing hypotheses drawn from different theoretical perspectives across 10 countries, four points in time, and a broad set of indicators of immigrant rights, we aim to provide a more systematic basis for this debate.

In the next section, we discuss the two theoretical perspectives in greater detail and derive hypotheses, regarding both descriptive trends and causal mechanisms. Subsequently, we introduce the categories and dimensions of immigrant rights that we distinguish. We then present our research design and the operationalization of variables and assess the reliability of our data. In the empirical part of the article, we describe the evolution of citizenship rights in the 10 countries and test the explanatory power of the causal variables that are emphasized by the two theoretical perspectives.

THEORETICAL FRAMEWORK AND HYPOTHESES

Theories of Liberal Convergence

Even within the European Union (EU), rules governing access to nationality have remained a fiercely guarded prerogative of nation-states (Checkel 2001; Vink 2001; Odmalm 2007). However, an important strand of theorizing on immigrant rights contends that the importance of nation-states' clinging to *de jure* control over immigrants' access to nationality is more symbolic than substantive, as it is accompanied by *de facto* denationalization through cross-national convergence of citizenship regimes as a result of a shared commitment to norms of human rights and equal treatment. The thesis of convergent immigrant rights comes in two variants, depending on whether the sources of these norms are located primarily on the supranational or on the national level.

The first variant of the convergence thesis has emphasized "postnational" forces such as global human rights norms, international conventions, and European directives that have made national citizenship, as Soysal (1998, p. 208) stated, "no longer a significant construction" (similarly, see Jacobson 1997; Sassen 1998; Faist 2000). These denationalizing

pressures are seen as enabling immigrants to claim rights in areas such as family formation, access to the labor market and welfare state arrangements, religious freedoms, and protection by antidiscrimination provisions irrespective of their nationality status. In this view, these civic rights have become largely decoupled from citizenship-as-nationality, with national-level voting rights as the only significant right that remains exclusively reserved for nationals.

Representatives of the second variant are critical of the postnationalist emphasis on supranational norms and institutions, but similarly predict cross-national convergence toward more inclusive citizenship rights for immigrants, at least among liberal democracies (e.g., Freeman 1995; Freeman and Oegelman 1998; Hansen and Weil 2001). As Joppke (2004, p. 254) formulates it, "liberal nation-states are marked by a thorough de-ethnicization, in which the various national labels are only different names for the same thing, the liberal creed of liberty and equality. Prominent expressions of this de-ethnicization are non-discriminatory immigration policies, liberalized citizenship rules, and a general distancing from the old idea of 'assimilation.'" The verdict on the relevance of national traditions of citizenship that the two versions of the convergence thesis reach is much the same: "The notion of national models no longer makes sense, if it ever did" (Joppke 2007, p. 2).

The convergence perspective makes two central descriptive claims about trends in immigrant citizenship rights. The first is that changes have gone toward more encompassing rights and away from cultural assimilation requirements. The second is that country differences have declined over time because of shared normative commitments that pull countries toward liberalization. The strongest pull toward liberalization should be felt in countries whose current policies are most removed from respectively supranational norms or liberal-democratic principles. Previously restrictive countries should therefore be more likely to liberalize immigrant citizenship rights than countries that already had liberal policies, resulting in cross-national convergence.

Where the postnational and domestic variants of the convergence perspective part ways is in the causal factors behind change that they emphasize. Since the EU is by far the most powerful system of governance beyond the nation-state in the world today, we should, if the postnational variant is correct, expect to see differences between EU member states and nonmember countries (e.g., Meehan 1993; Wiener 1997). In the terms of economic theories of convergence, we should find evidence that the EU is a "convergence club" (Plümper and Schneider 2009). Since the supposed effects of postnational discourses and rights are toward more equal rights and recognition of cultural pluralism, this implies that EU membership should be associated with more inclusive citizenship policies.

In contrast, the domestic variant predicts liberal convergence among Western democracies because of internal mechanisms that enforce their own liberal norms. Many studies based on this approach underline that liberalization results from interventions of courts that uphold liberal legal principles against the sometimes restrictive ambitions of the public and policy makers (Cornelius, Martin, and Hollifield 1994; Joppke 2001; Davy 2004; Kneip 2008). We should therefore expect countries with a strong role of the courts in the policy process to have undergone more pronounced changes toward inclusive immigrant rights than countries with a weak tradition of judicial review.

Theories of National Political Processes

Theories emphasizing the resilience of national politics also come in two variants, respectively emphasizing stable and volatile aspects of national political processes. The first variant argues that countries are unlikely to implement paradigmatic changes. This argument goes back to Rogers Brubaker's (1992) study comparing citizenship in France and Germany. The assumption here is that there are a number of "models" or "regime types" of citizenship that are clearly distinct and deeply rooted in national history and political culture and therefore resistant to change over time. In Brubaker's words, "France and Germany continue to define their citizenries in fundamentally different ways because they have been doing so for more than a century" (Brubaker 1992, p. 186).

While Brubaker's and other early "national model" arguments (Castles and Miller 1993, pp. 223–29) were formulated in static ways, later variations on this approach have, partly under the impression of significant recent changes in citizenship laws such as Germany's new nationality law of 2000, tried to reconcile the idea of systematic cross-national differences with the empirical observation of changes over time (e.g., Howard 2005; Koopmans et al. 2005; Howard 2006, 2009). This second variant retains the idea that change takes place along paths circumscribed by national citizenship traditions, but pays more attention to conjunctural political process variables, particularly those related to electoral and governmental configurations of power (Kriesi et al. 1995) that can explain extensions and restrictions of immigrant rights over time.

Three such influences have been highlighted in the literature: government composition, the strength of anti-immigrant parties, and the size of the immigrant electorate. Bale (2008) has argued that mainstream right-wing parties in government have often instigated restrictive changes in immigrant rights, even if they were not under electoral pressure from far-right competitors. Similarly, Hagedorn (2001) has argued that the outcomes of citizenship reforms in Germany and France were not determined

so much by national models as by the political orientation of governments. Others, however, see mainstream parties of both the left and the right as “broadly expansionist and inclusive” because of an “antipopulist norm” and the influence of proimmigrant interest groups such as employers and civil rights organizations (Freeman 1995, p. 881). In this view, liberal policies will predominate as long as political elites succeed in depoliticizing debates on immigrant rights (Guiraudon 1997). However, mainstream parties have often not been able to control the political agenda over immigration because of electoral competition from right-wing populist parties (Perlmutter 1996; Schain 2006; Howard 2009). Electoral pressures from parties of the populist right may however be counterbalanced by the political leverage of immigrant voters (e.g., Ireland 1994; Freeman 1995; Soysal 1997). Postcolonial immigrants who held citizenship upon arrival, naturalized immigrants, members of the second generation who acquired citizenship through naturalization or *jus soli*, as well as foreign nationals with voting rights (e.g., on the local level in several countries, or for Commonwealth citizens on all political levels in the United Kingdom) may make up a significant percentage of the electorate, which may lead mainstream parties to adopt liberal policies in order to capture the immigrant vote.

Hypotheses

We derive two types of hypotheses from these theories. First, they make different descriptive predictions regarding temporal trends and cross-national differences. Second, they specify different causal factors that should explain these trends and differences. From the liberal convergence perspective, we derive two descriptive hypotheses, one about the liberalizing direction of change, and one about cross-national convergence:

HYPOTHESIS 1.—*Citizenship rights for immigrants have moved toward greater inclusiveness.*

HYPOTHESIS 2.—*Cross-national differences in citizenship rights for immigrants have decreased over time.*

Confirmation of hypothesis 2 would contradict theories that emphasize national path dependence. Confirmation of hypothesis 1 is, however, not necessarily in contradiction with an emphasis on national political processes, because liberalization is a possible outcome if conducive national political factors (left-wing parties in government, a large share of immigrant voters) outweigh the forces that push toward greater restrictiveness (right-wing parties in government, strong right-wing populist parties). However, this does not imply that any directional pattern of change would be reconcilable with this perspective. The idea that institutional traditions matter implies that change should occur along circumscribed paths and

will not result in fundamental changes in the relative positioning of countries. Therefore, the following hypothesis follows from theories that emphasize national political processes:

HYPOTHESIS 3.—*There is strong continuity in national policies on immigrant rights and the relative positioning of countries will be relatively stable over time.*

Note that hypothesis 3 is not the mirror image of hypothesis 2. Rejection of hypothesis 2 means that cross-national differences remain of a similar magnitude, but it leaves open the possibility that the countries that were the most inclusive at one point in time have become very restrictive compared to other countries at another point in time, and vice versa. Confirmation of hypothesis 3 requires that countries' relative positioning should display a high degree of stability over time. Confirmation of this hypothesis would, however, not necessarily contradict the liberal convergence thesis, as few adherents of this perspective would claim that national policy traditions do not matter at all. A combined confirmation of hypotheses 2 and 3 (a declining magnitude but a similar qualitative pattern of cross-national differences) would therefore be reconcilable with the idea of liberal convergence.

Thus, the descriptive hypotheses alone are not sufficient to compare the validity of the two perspectives. We need to look in addition at the causal mechanisms that the two perspectives highlight. The two variants of the liberal convergence perspective differ in this regard, the one emphasizing—in the European context—the effects of membership in the EU, the other the role of domestic courts:

HYPOTHESIS 4.—*Trends toward liberalization and cross-national convergence are strongest among EU member countries.*

HYPOTHESIS 5.—*Countries with strong courts have more strongly liberalized immigrant rights than countries with a weak tradition of judicial review.*

Because courts are part of a country's institutionalized system of checks and balances, one might argue that rejection or acceptance of hypothesis 5 also affects the validity of theories on national political processes. This is, however, not the case because hypothesis 5 is about the impact of strong courts on the *direction* of change, not about the *magnitude* of the courts' role in the policy process. The argument of the liberal convergence thesis that the hypothesis tests is that national constitutions and liberal-democratic legal frameworks exert normative pressures toward liberalization of immigrant rights, which are enforced by the courts. The national political process perspective would predict that courts play a more important role in countries where they have greater powers of policy review, but not whether this would lead to more restrictive or more inclusive policies.

Our final three hypotheses refer to the conjunctural electoral factors that are emphasized within the national political process perspective:

HYPOTHESIS 6.—*Changes in the direction of more inclusive immigrant citizenship rights are more likely when left-wing parties are in government.*

HYPOTHESIS 7.—*Changes in the direction of more restrictive immigrant citizenship rights are more likely when populist parties of the far right are strong.*

HYPOTHESIS 8.—*Changes in the direction of more inclusive immigrant citizenship rights are more likely when immigrants and their direct descendants make up a significant share of the electorate.*

CATEGORIES AND DIMENSIONS OF IMMIGRANT CITIZENSHIP RIGHTS

Immigrants have different statuses, and rights may vary across them. Undocumented immigrants have very few rights at all, although they may have access to fundamental services, such as health care and schooling for their children. Asylum seekers fall under a specific set of regulations, which give them access to most basic services, but as long as they are not recognized, they often cannot freely move and are not allowed to take up employment. Once recognized, however, they may have privileges that other immigrants do not enjoy, such as full protection against expulsion or facilitated immigration rights for spouses. The most privileged group of immigrants within our countries of study are those from member states of the EU, who are free to settle and work in other member states. Even the two non-EU member states within our sample—Norway and Switzerland—have association agreements with the EU that offer immigrants from EU countries privileged rights. Moreover, EU immigrants have voting rights in local and European elections in other member states.

These variations imply that it is crucial to control for differences across immigrants of different statuses. We therefore focus in this study on the rights of immigrants (regardless of their nationality status) from outside the EU who do not belong to the special categories of undocumented migrants, asylum seekers, or refugees. This implies that the rights we analyze exclude those that are constant for the category of immigrants that we are interested in, such as access to health care, schooling, or the right to take up employment. A complete comparative analysis of immigrant rights would also have to account for other categories of immigrants, but this is beyond the scope of this article. Many of the rights we analyze apply, however, to immigrants regardless of their status, at least to those with legal residence (e.g., cultural rights, antidiscrimination provisions, nationality acquisition).

A drawback of earlier cross-national studies is that they focused largely or exclusively on one dimension of rights, namely, the degree to which immigrants are granted individual equality. Central to such studies are the criteria for nationality acquisition; regulations for residence; differences between the political, labor market, and welfare rights of aliens and nationals; and antidiscrimination provisions, which are also relevant for immigrants who have naturalized. However, controversy over immigrant rights has increasingly focused on so-called "multicultural rights," which likewise are relevant for both naturalized and nonnaturalized immigrants. Central here is not the question whether immigrants should have the same individual rights and duties as nonimmigrants, but whether cultural and religious minorities should have special rights, exemptions from existing regulations, and state support for their organizations and institutions. Some of these rights are based on preexisting arrangements for native minorities, for example, the right to found religious schools; others are meant to compensate immigrant minorities for cultural biases in existing institutions and legislation. Included in this category are rights related to language, the accommodation of religious dress and customs, recognition of separate institutions in areas such as education and the media, and representation and consultation rights for ethnic and religious associations.

These cultural aspects of immigrant rights have dominated debates on immigrant rights in political philosophy (e.g., Kymlicka 1995; Young 1998; Benhabib 2002) and have also received much attention in qualitative empirical studies (e.g., Laurence and Vaisse 2006; Maussen 2009). However, we are aware of only two systematic cross-national comparisons of the cultural dimension of citizenship rights. Banting and Kymlicka's (2004) study, while including the ten countries of the present study, is limited to one point in time and therefore does not allow answering the process-oriented research questions we ask. Koopmans et al.'s (2005) study allows a diachronic perspective, but includes only five countries, and moreover does not cover the period after September 11, 2001, in which multicultural rights for immigrants have come under increasing pressure (Bleich 2009).

Because of the importance of cultural and religious rights, we use Koopmans et al.'s (2005) two-dimensional approach in this study. This means that we distinguish between, on the one hand, rights that are attributed to the individual immigrant, which can tend toward either an ethnic or a civic-territorial understanding of citizenship, and, on the other hand, cultural and religious rights that apply to the immigrant because of his or her belonging to a particular ethnic or religious group, tending toward either a monocultural or a culturally pluralist understanding of citizenship. The latter dimension also includes cultural requirements, such as language

knowledge or cultural assimilation, which an immigrant must meet as a precondition for access to certain rights. Countries that score high on the dimension of individual rights provide easy access to nationality, encompassing protection against discrimination, and offer similar rights to citizens and aliens. Countries that score high on the cultural difference dimension make few cultural assimilation demands for access to rights, allow expressions of cultural and religious difference in public institutions, incorporate ethnic and religious organizations in political decision making, and facilitate separate institutional arrangements for minorities in institutions such as schools and public media.

In addition to this theoretical classification, we make a distinction between eight substantive policy fields, which partly cross-cut the theoretical dimensions: (1) nationality acquisition; (2) marriage migration rights (i.e., the conditions under which a resident migrant can sponsor a marriage partner from abroad); (3) protection against expulsion; (4) antidiscrimination provisions; (5) access to public service employment; (6) political representation rights; (7) cultural and religious rights in the education system; and (8) other cultural and religious rights. Within each of these policy fields, several more detailed aspects were investigated, covering a total of 41 indicators. Table 1 shows which indicators were used for each of the policy fields and theoretical dimensions.² How these indicators were coded is explained in the next section. As the table shows, in the case of religious rights, our indicators focus on Islam and Muslims. The reason is that Muslims are by far the most important religious minority of immigrant origin in western Europe and are present in significant numbers in all 10 countries of investigation. By contrast, rights for other religious minorities such as Hindus or Sikhs are not a significant issue in many of our countries.

RESEARCH DESIGN, DATA, AND OPERATIONALIZATION

We analyze the evolution of immigrant rights both cross-nationally and diachronically. We compare across four points in time, 1980, 1990, 2002,

² Numbers of mosques with minarets and Islamic schools standardized by the size of a country's Muslim population might be seen as outcome variables rather than as rights. We have nonetheless included them because mosques and Islamic schools are hotly contested in many countries even though—with the exception of Switzerland after the minaret ban of 2009, which falls outside of our period of study—none of the countries had formal bans on the construction of mosques with Islamic architecture or the establishment of Islamic schools. However, the formal requirements that need to be fulfilled—e.g., sufficient parking space, accordance with local zoning plans, sufficient demand from parents—offer substantial leeway for authorities to obstruct or facilitate mosques or Islamic schools.

TABLE 1
INDICATORS OF IMMIGRANT CITIZENSHIP RIGHTS BY POLICY FIELD
AND THEORETICAL DIMENSION

POLICY FIELD	THEORETICAL DIMENSION	
	Individual Equality	Cutural Difference
Nationality acquisition	Number of years of residence before naturalization can be requested	Allowance of dual nationality
	Welfare and social security dependence as an obstacle to naturalization	Cultural requirements for naturalization (e.g., language skills, oaths of allegiance, evidence of cultural and social assimilation)
	Automatic attribution or facilitated naturalization for the second generation	
Expulsion	Years of criminal conviction leading to expulsion for short-term residents	
	Years of criminal conviction leading to expulsion for long-term residents	
	Possibility for expulsion of immigrants socialized or born in the country	
	Welfare dependence as a reason for expulsion	
Marriage migration	Age limits for incoming spouses	Cultural requirements for incoming spouses (e.g., language tests abroad)
	Income requirement for the sponsoring spouse	
	Further criteria of eligibility for the sponsoring spouse: type of residence permit or minimum duration of stay	

Access to public service employment	Access of third-country nationals to the civil service: schools Access of third-country nationals to the civil service: administration Access of third-country nationals to the civil service: police	Existence of quotas or preferential hiring for minority groups for public-sector jobs
Antidiscrimination	Implementation of basic provisions of the International Conventional against Ethnic and Racial Discrimination in national criminal law: racial hatred Inclusion of discrimination next to explicit racism in such laws Existence of specific antidiscrimination legislation in civil law Existence and powers (capacity to take individual legal action, investigative powers, decision making on complaints) of state-sponsored antidiscrimination agencies	
Political rights	Voting rights for foreign residents (local and national)	Immigrant consultative bodies on the national level Immigrant consultative bodies on the local level Muslim consultative bodies
Educational rights		Number of state-funded Islamic elementary and secondary schools (per 100,000 Muslims) Share of costs of Islamic elementary and secondary schools that is covered by the state Islamic religious classes in state schools Right of Muslim female teachers to wear a headscarf in public schools Right of Muslim students to wear a headscarf in public schools

TABLE 1 (*Continued*)

POLICY FIELD	THEORETICAL DIMENSION	
	Individual Equality	Cultural Difference
Other cultural and religious rights		Mother tongue teaching in public schools
		Cultural requirements for the granting of residence permits (e.g., language skills, other knowledge of the host society)
		Allowance of ritual slaughtering of animals according to the Islamic rite
		Allowance of the Islamic call to prayer in public
		Number of mosques with recognizable architecture (i.e., with minaret; per 100,000 Muslims)
		Existence of Muslim cemeteries and separate sections of cemeteries
		Allowance of burial according to the Islamic rite (i.e., without coffin)
		Programs in immigrant languages in public broadcasting (radio and television)
		Islamic religious programs in public broadcasting (radio and television)
		Muslim chaplains in prisons
		Muslim chaplains in the military

and 2008,³ and 10 western European countries: Germany, France, the United Kingdom, the Netherlands, Belgium, Austria, Switzerland, Sweden, Denmark, and Norway, which have all been immigration countries since the 1950s or 1960s. We focus on European countries, because arguably denationalization tendencies have progressed further in Europe than anywhere else in the world and Europe thus constitutes a useful “laboratory” (Howard 2006, p. 446) for analyzing cross-national convergence and the resilience of national policy traditions on citizenship rights. Our sample includes two non-EU member countries (Norway and Switzerland), as well as two countries that became EU members over the course of our period of study (Austria and Sweden in 1995). Some studies of immigrant rights include countries that have not yet experienced significant immigration (e.g., countries in eastern Europe) or that have only recently turned from emigration into immigration countries (e.g., Italy, Spain, or Ireland), but we prefer to stick to a set of countries in which immigrants form a significant part of the population and where the question of immigrant citizenship rights has been on the political agenda for sufficient time to have made a discernable impact on policies and legislation. An additional, pragmatic reason to limit ourselves to this set of countries is that the gathering of the information that we analyze is labor-intensive and requires the consultation of sources that are mostly in the various national languages, which already number seven for the current set of countries.

Measurement of Immigrant Citizenship Rights

Rights on the individual equality dimension are mostly laid down in formal legislation and entailed the study of laws and other legal texts. Much of the information could be derived from secondary literature (in particular, Bauböck et al. 2006a, 2006b). The data collection for the indicators of the cultural difference dimension was more difficult because it has been neglected in earlier cross-national research and because these rights are not always laid down in formal legislation and depend more strongly on jurisprudence, administrative decrees, and local implementation practices. We therefore relied, besides available secondary literature, on information directly requested from ministries, immigrant organizations, and national experts, as well as from Web sites and newspaper archives.

³ The choice of measurement years was partly made for pragmatic reasons. Data gathering took place during 2009, and therefore 2008 was the most recent year for which we could collect complete information. The year 2002 was taken because it allowed us to draw on Koopmans et al. (2005) for some countries.

We used the variation among countries as the standard of comparison for allocating scores for each country-year combination. These scores all range between -1 and 1 . Depending on how fine-grained the distinctions were that an indicator allowed, we distinguished two (-1 and 1), three (-1 , 0 , and 1), or five score levels (-1 , -0.5 , 0 , 0.5 , 1). Dichotomous indicator scores were used for indicators that specified merely if a provision existed, for example, whether a civil law provision prohibiting racial discrimination existed or not. Three categories specifically take into account that sometimes policy implementation is less dichotomous. For instance, dual nationality may formally not be allowed, but some countries allow generous exceptions, implying that in practice many immigrants can retain their original nationality. For other indicators, we used the full five scoring levels. The -1 score was always given to the country-year combination or combinations that granted the least rights to immigrants or implied the most severe restrictions within our sample. Conversely, the $+1$ score was given to the country-year combination or combinations that granted the most rights or implied the least restrictions within the sample.

An example can illustrate how we proceeded. As table 1 shows, one of our indicators for marriage migration rights is the minimum age of the migrating spouse. The one extreme here is when there are no age barriers at all, provided that the marriage is legal according to the legislation of the country of origin. This defines the $+1$ score, which applied to almost all countries in 1980 (with the exception of Belgium). The other extreme is defined by Denmark, which in 2008 had an age limit of 24 years and thus received the -1 score for this year. In between, we find legislation with an age limit of 16 years (e.g., the United Kingdom in 1990 and 2002; scored $+0.5$), of 18 years (e.g., Belgium in 1980 in 2008; scored 0), and of 21 years (e.g., Belgium, the Netherlands, and the United Kingdom in 2008; scored -0.5).

Full information regarding the criteria used to score each of the 41 indicators, the resulting scores for each country-year combination, as well as the source materials that were used can be accessed online.⁴ Based on these individual indicators, we calculated aggregate scores (which also take values between -1 and $+1$) for the eight substantive policy fields and the two theoretical dimensions by averaging across all the indicators belonging to that set of rights.⁵ These aggregate scores form the basis for

⁴ Available at <http://www.wzb.eu/files/mit/indicators.xls>.

⁵ We avoided weights when calculating averages, as theoretical justifications for weights are always difficult. There is one exception: the indicators for nationality acquisition were given double weight in computing the averages for the two theoretical dimensions. The reason to do so was that many other restrictions on immigrant rights lose their relevance once an immigrant becomes naturalized. For instance, nationals

our analyses below. Our units of analysis are country-year combinations, giving us a total of 40 cases: 10 countries at 4 points in time.

Reliability

Indicator-based policy studies inevitably entail contestable choices. Although the indicators we use are relatively detailed and encompassing, they are not exhaustive, and therefore some may feel that we have overlooked important aspects of immigrant rights. One may also argue that our use of only up to five scoring levels is too crude. Further, there may be a subjective element involved in judging whether a particular country-year combination should be given a higher or a lower score on a given indicator. Finally, because we had to rely on a variety of sources of information instead of one systematic measurement instrument applied in a uniform way to all indicators, countries, and points in time, we run the risk that others using different sources would have reached different conclusions.

We are in the fortunate position that several previous studies partly overlap with ours. These earlier studies shared our goal of measuring immigrant rights in cross-nationally consistent ways. However, they used partly different indicators, scoring rules, and sources of information, and of course different researchers to translate rules and information into numeric scores. We compare our results to five other indicator-based studies: (1) the Legal Obstacles to Integration-Index (LOI; Waldrauch and Hofinger 1997); (2) the Migrant Integration Policy Index 2006 (MIPEX; MPG 2006); (3) the Multicultural Policies Index (MPI; Banting and Kymlicka 2004); (4) the Citizenship Policy Index (CPI; Howard 2009); and (5) the Barriers to Naturalization Index (BNI; Janoski 2010). With the exception of Howard, who compared the years 1980 and 2008, and Janoski, who draws on four measurement points (1970, 1980, 1990, and 2002), these studies cover only one point in time, which usually does not exactly match our measurement points. In their published study, Banting and Kymlicka's (2004) indicators referred broadly to the 1980s and 1990s, rather than to a specific measurement year. However, they have recently extended their data, which now cover three data points: 1980, 2000, and 2010. We therefore compared our scores to Banting and Kymlicka's new, as yet unpublished data. To compare across studies, we take the measurement years in our study that are closest to those of the other studies. The MIPEX, MPI, and BNI indices include all 10 countries represented in our study, whereas with the LOI and CPI indices there is an overlap

can no longer be expelled, and they have unrestricted voting rights and access to public sector employment.

of eight countries (LOI does not include Norway and Denmark; CPI does not include Norway and Switzerland). In table 2, we report the correlations between our Indicators of Citizenship Rights for Immigrants (ICRI) and the results of these earlier studies.⁶ The correlations with other studies are all fairly high, ranging from .69 to .94, with an average of .79. Some of the difference with other studies is not due to reliability issues, but to the fact that the measurement years do not coincide exactly. Given these considerations, we find the average cross-study correlation of .79 satisfactory.

Independent Variables—EU Membership

There is a score of 1 for Germany, France, the United Kingdom, the Netherlands, Belgium, and Denmark; 0 for Switzerland and Norway; and for Sweden and Austria, 0 in 1980 and 1990, and 1 in 2002 and 2008.

Power of Domestic Courts

We rely on Lijphart's (1999) classification of countries according to the strength of judicial review, which takes into account whether procedures for judicial review of legislation exist, how actively the courts assert this power, and how difficult it is to change the constitution. Germany has the highest score (4), followed by Austria, Belgium, and France (3), Sweden, Norway, and Denmark (2), and finally the United Kingdom, Switzerland, and the Netherlands (1). Two alternative measures of the influence of the judiciary, Alivizatos's (1995) measure of "judicial politicization," and Kneip's (2008) measure of the strength of constitutional courts are strongly correlated with Lijphart's and lead to very similar results.

Left-Wing Government Incumbency

Left-wing government incumbency is measured by the fraction of months in the period leading up to the measurement year of the dependent variable during which left-wing parties were in government; for example, immigrant rights in 2002 are predicted on the basis of left-wing incumbency during 1990–2001. Months with governments in which left and right parties held each other in the balance, or in which left parties were a minority partner, were weighted half, as were periods of "cohabitation"

⁶ For the comparison of political rights scores with the MIPEx data, we exclude our indicator on Muslim consultative bodies, because consultation of religious organizations is not included in MIPEx.

TABLE 2
PEARSON CORRELATIONS BETWEEN OUR INDICATORS OF CITIZENSHIP RIGHTS FOR IMMIGRANTS (ICRI) AND SCORES ASSIGNED BY FOUR OTHER INDICATOR-BASED STUDIES

Naturalization:	
LOI 1997 (reversed)—ICRI 2002 ($n = 8$)	.90**
MIPEX 2006—ICRI 2008 ($n = 10$)	.76*
CPI 1980s, 2008—ICRI 1990, 2008 ($n = 16$)	.74***
BNI 1980, 1990, 2002 (reversed)—ICRI 1980, 1990, 2002 ($n = 30$)	.74***
Marriage migration rights:	
LOI 1997—ICRI 2002 ($n = 8$)	.69 ⁺
MIPEX 2006—ICRI 2008 ($n = 10$)	.74*
Protection against expulsion:	
LOI 1997—ICRI 2002 ($n = 8$)	.75*
MIPEX 2006—ICRI 2008 ($n = 10$)	.82**
Antidiscrimination provisions:	
MIPEX 2006—ICRI 2008 ($n = 10$)	.79**
Political rights:	
MIPEX 2006—ICRI 2008 ($n = 10$)	.94***
Cultural rights dimension:	
MPI 1980, 2000, 2010—ICRI 1980, 2002, 2008 ($n = 30$)	.81***

⁺ $P < .10$.

* $P < .05$.

** $P < .01$.

*** $P < .001$.

in France between a president and a government of different political colors. As left-wing parties, we counted social democratic, socialist, communist, green, and left-liberal parties. On average across the 10 countries, left-wing parties were more strongly represented in government in the period 1990–2001 (an average score of .60 on the scale from 0 to 1) than in the periods 1980–89 (.39) and 2002–8 (.42). Table 3 shows how left-wing government incumbency varied across countries. Left-wing parties had the weakest representation in government in Denmark (.32) and the strongest in Sweden (.70).

Electoral Strength of Right-Wing Populist Parties

Electoral strength of right-wing populist parties is measured by the average between the worst and the best result of these parties in national parliamentary elections during the period leading up to the measurement year of the dependent variable.⁷ Across the 10 countries, the electoral

⁷ The following parties were considered as right-wing populist: Austria: FPÖ (since 1986), BZÖ; Belgium: VB, FN; Denmark: Z, DF; Germany: NPD, Rep, DVU; Netherlands: CP, CD, CP'86, LPF, PVV; Norway: FP; Sweden: NyD, SD; Switzerland: SVP, NA (until 1987), Republikaner, Lega, SD; United Kingdom: BNP, ND. Analyses excluding the Danish Z, the Norwegian FP, and the Swiss SVP, which some may argue are more mainstream conservative than the other parties, do not fundamentally alter the direction of the results but lead to lower regression coefficients.

TABLE 3
FRACTION OF YEARS WITH LEFT-WING GOVERNMENT INCUMBENCY AND VOTE
SHARES OF RIGHT-WING POPULIST PARTIES ACROSS 10 COUNTRIES

	Left-Wing Government Incumbency (0–1)	Right-Wing Populist Vote Share (%)
Austria .....	.45	17.3
Belgium .....	.39	7.9
Denmark .....	.32	9.3
France .....	.44	10.0
Germany .....	.42	1.5
Netherlands .....	.38	4.7
Norway .....	.60	13.7
Sweden .....	.70	1.6
Switzerland .....	.50	20.8
United Kingdom .....	.51	0.3
Average .....	.47	8.7

NOTE.—Averages for 1980–2008.

strength of right-wing populist parties has increased continuously, from 4.4% of the vote in 1980–89, via 9.5% in 1990–2001, to 12.1% in 2002–8. As table 3 shows, cross-national differences were stark as well, with the weakest populist right in the United Kingdom (0.3%) and the strongest in Switzerland (20.8%).

Share of Voters of Immigrant Origin

There are no existing data on the share of immigrants and their second-generation descendants among the electorate. We therefore calculated our own measure, based on naturalization figures, *jus soli* acquisitions of citizenship by the second generation, and data on postcolonial immigrants who came with full citizenship rights to France, the United Kingdom, and the Netherlands. We also took into account that in some countries foreign citizens may have voting rights on the local level, and in the United Kingdom also on the national level. Taking into account local voting rights is relevant because some aspects of immigrant rights, especially those related to cultural rights, depend on local regulations and implementation and are therefore likely to be influenced by immigrant voting pressure on that level of the polity. Table 4 shows the resulting immigrant-origin voter shares. A detailed description of how we arrived at these estimates can be accessed online.⁸

Across the 10 countries, the share of immigrant-origin voters increased

⁸ Available at <http://www.wzb.eu/files/mit/immigrantvoters.doc>.

TABLE 4
ESTIMATES OF THE SHARE OF VOTERS OF FIRST OR SECOND-GENERATION IMMIGRANT ORIGIN AMONG THE NATIONAL
AND LOCAL ELECTORATES IN 10 COUNTRIES, 1980-2008 (%)

	1980		1990		2002		2008	
	National	Local	National	Local	National	Local	National	Local
Austria .....	.9	.9	2.0	2.0	4.9	8.3	7.4	11.3
Belgium .....	.7	.7	2.2	2.2	6.1	11.7	8.1	14.3
Denmark .....	.7	2.6	1.4	4.3	2.0	6.9	3.2	9.0
France	2.5	2.5	4.8	4.8	7.3	9.2	9.9	11.9
Germany .....	.2	.2	.5	.5	1.8	4.9	2.8	5.7
Netherlands	2.5	2.5	4.8	9.1	9.5	13.8	10.3	14.7
Norway .....	.4	2.3	1.1	4.4	3.4	7.8	5.1	11.5
Sweden	2.2	7.3	4.5	10.1	9.1	14.4	11.4	17.5
Switzerland	3.0	3.0	5.2	5.2	8.6	8.6	11.9	11.9
United Kingdom	2.1	2.1	4.3	4.3	6.7	8.3	10.2	12.6

strongly over time, for the national level from an average of 1.5% in 1980 to 8.0% in 2008, and for the local level from 2.4% in 1980 to 12.0% in 2008. As table 4 shows, Germany had in 2008 the smallest immigrant-origin electorate (5.7% of local and 2.8% of national voters) while immigrants and their direct descendants made up the largest share of the local electorate in Sweden (17.5%) and the largest share of the national electorate in Switzerland (11.9%). For our analyses, we took the average of the local and national percentages of voters of immigrant origin. As in the case of the other variables, we use the average value during the period leading up to the measurement year of the dependent variable as a predictor variable, that is, the average of the current and previous value of the share of immigrant-origin voters.

Economic Growth

Some theorists have argued that policies on immigration are driven by economic considerations (e.g., Cornelius et al. 1994), and ethnic competition theories posit that economic downturns may spur anti-immigrant sentiments (e.g., Olzak 1992). As a control variable, we therefore include in our multivariate analyses the average annual level of per capita economic growth (based on World Bank/Organisation for Economic Co-operation and Development [OECD] national accounts) in the period leading up to the measurement year of the dependent variable.

RESULTS

Descriptive Findings

We begin by investigating the merits of hypothesis 1 drawn from the liberal convergence perspective, which states that immigrant citizenship policies have become more inclusive over time. We first look at trends across different types of immigrant rights. Further below (table 7) we present evidence on trends across countries.

As table 5 shows, the evidence is strongly in line with the hypothesis. For seven out of eight substantive policy fields, and for both theoretical dimensions, rights for immigrants were more inclusive in 2008 than they were in 1980. The strongest increase occurred for antidiscrimination legislation, which was weak in most countries in 1980 (average score -0.21) but had become quite strong by 2008 ($+0.60$). Strong trends toward greater inclusiveness can also be observed for access of nonnationals to public sector employment, although even in 2008 the 10-country average was still slightly on the exclusive side (-0.06). A very similar pattern is discernable for political rights (from -0.43 in 1980 to -0.08 in 2008). Cultural

TABLE 5
AVERAGE SCORES FOR DIFFERENT TYPES OF IMMIGRANT CITIZENSHIP RIGHTS
ACROSS 10 COUNTRIES, 1980–2008

	1980	1990	2002	2008
Naturalization	-.02	.02	.20	.05
Marriage migration .....	.71	.73	.45	.14
Expulsion	-.28	-.19	-.10	-.08
Public sector employment	-.60	-.43	-.09	-.06
Antidiscrimination	-.21	-.11	.33	.60
Political rights	-.43	-.29	-.20	-.08
Cultural rights in education	-.38	-.17	.17	.14
Other cultural and religious rights	-.29	-.22	-.07	-.01
Individual equality dimension	-.09	-.01	.15	.13
Cultural difference dimension	-.30	-.19	.04	.03

NOTE.—Higher scores indicate more inclusive policies.

rights in education have also expanded. In 1980, most countries still offered few rights in this domain (-0.38), but by 2008 a shift to the inclusive side of the spectrum had occurred ($+0.14$). Weaker trends toward greater inclusion occurred regarding naturalization, expulsion, and cultural and religious rights outside the educational system. However, with the exception of antidiscrimination and political rights, the trend toward more inclusive rights stagnates after 2002. Naturalization rights even became considerably more restrictive between 2002 and 2008, especially in the form of stricter language requirements and citizenship tests (Joppke 2007; Michalowski 2009; Odmalm 2007). Considering the two theoretical dimensions of individual and cultural rights, we find a similar pattern of liberalization until 2002, and a reversal to somewhat more restrictive policies thereafter.

The only rights with a trend toward greater restrictiveness across the whole period are those related to marriage migration, which were very inclusive in most countries in 1980 ($+0.71$) but were after 1990 progressively tightened ($+0.14$ in 2008). The reason for this deviation from the other policy fields may be that marriage migration rights affect not only those who are already resident, but also those who want to enter as new immigrants. Since the end of guest-worker recruitment around 1975, family migration has become the most important channel for immigration to Europe (Kofman 2004; OECD 2008). Faced with this chain migration pressure, many European governments have sought to restrict marriage migration by raising age, housing, and income criteria, and more recently in some countries by demanding host-country language knowledge from the migrating spouse (Groenendijk 2006; van Oers, Ersbøll, and Kostakopoulou 2010).

We proceed with hypothesis 2, also drawn from the convergence per-

spective, which predicts that cross-national differences decline over time. As a measure of the degree of similarity across countries, we computed the standard deviations in each measurement year for the eight substantive categories of immigrant rights, and for the two theoretical dimensions.⁹

If the convergence hypothesis is correct, countries' positions should move progressively closer together in the policy space over time. As table 6 shows, antidiscrimination legislation exemplifies this pattern with a standard deviation that steadily declines from 0.53 in 1980 to 0.37 in 2002. The strongest convergence occurs toward the years 2002 and 2008, coinciding with the introduction of two directives of the European Council in 2000,¹⁰ which mandated EU member states to introduce antidiscrimination legislation. Thus, antidiscrimination legislation provides a perfect case in point for the convergence perspective generally, and for its postnational variant in particular.

In two other fields, naturalization and protection against expulsion, we also find convergence from 1980 to 2002, but renewed divergence after 2002. In the case of expulsion, the net result is still a modest decrease in the standard deviation across the period as a whole (from 0.57 in 1980 to 0.47 in 2008). However, against the two cases in which we find full (antidiscrimination) or partial (expulsion) evidence for convergence, there are six fields of immigrant rights in which we find either stable cross-country differences or evidence for divergence. In the case of naturalization, the net result of convergence until 2002 and divergence thereafter is that cross-country differences have remained of exactly the same magnitude (standard deviations of 0.54 in both 1980 and 2008). Cross-country differences regarding political rights were also stable over time (standard deviations of 0.35 in 1980 and 0.37 in 2008). The remaining four policy fields show strong divergence, most strongly so in the case of marriage migration rights, which were relatively similar in 1980 (standard deviation 0.26) but had come to diverge strongly by 2008 (standard deviation 0.58). Contradicting the postnationalist perspective, this divergence has occurred in spite of the European Directive of 2003 on the right to family reunification.¹¹ Similar but less outspoken divergence patterns can be ob-

⁹ Plümper and Schneider (2009, p. 299) conclude that the standard deviation is a more accurate measure to detect convergence than the coefficient of variation.

¹⁰ Council Directive 2000/43/EC prohibits discrimination against anyone because of their racial or ethnic origin. Council Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation.

¹¹ Council Directive 2003/86/EC of September 22, 2003, on the right to family reunification.

TABLE 6
STANDARD DEVIATIONS FOR DIFFERENT TYPES OF IMMIGRANT CITIZENSHIP RIGHTS
ACROSS 10 COUNTRIES, 1980–2008

	1980	1990	2002	2008
Naturalization .....	.54	.50	.43	.54
Marriage migration .....	.26	.21	.55	.58
Expulsion .....	.57	.54	.41	.47
Public sector employment .....	.44	.55	.61	.59
Antidiscrimination .....	.53	.50	.42	.37
Political rights .....	.35	.38	.35	.37
Cultural rights in education .....	.27	.41	.46	.48
Other cultural and religious rights .....	.26	.33	.33	.35
Individual equality dimension .....	.43	.42	.34	.37
Cultural difference dimension .....	.20	.29	.30	.31

served for public sector employment, cultural rights in education, and other cultural and religious rights.

If we turn to the two theoretical dimensions of citizenship rights, we also observe a mixed pattern. Individual equality rights converged until 2002, but again diverged between 2002 and 2008. Regarding cultural difference rights, policies were quite similar in 1980 with a standard deviation of 0.20, but began to diverge over the 1980s, reaching a standard deviation of 0.29 by 1990. Since then, policy differences have remained more or less stable. Taken together, these results lead us to reject the convergence hypothesis 2, as overall we observe a mixed pattern of convergence, divergence, and stability of cross-national differences, in which, moreover, divergence is more frequent than convergence.

Hypothesis 3, drawn from theories of national path dependence, predicts that cross-national differences are resilient because countries move along specific trajectories circumscribed to an important extent by their historical positions. To investigate the merits of this hypothesis, table 7 shows the average positions and rank orders of the 10 countries across all 41 indicators of immigrant rights across the period 1980–2008. Countries are listed in descending order of inclusiveness, based on the scores for 2008.

With the single exception of Denmark, all countries had more inclusive immigrant rights policies in 2008 than in 1980, confirming the general liberalization trend predicted by hypothesis 1. However, table 7 also confirms that this trend was partly reversed after 2002, when 5 of the 10 countries saw restrictions in immigrant rights. Hypothesis 3 predicts that in spite of such changes, the relative positioning of countries will not undergo radical changes. In 2008, we observe three groups of countries: Sweden, the United Kingdom, the Netherlands, and Belgium, with high degrees of inclusiveness (between .51 and .34); Austria and Switzerland,

TABLE 7
AVERAGE SCORES AND RANKINGS OF COUNTRIES ON IMMIGRANT CITIZENSHIP RIGHTS,
1980–2008

	1980	1990	2002	2008
Sweden .....	.27 (1)	.31 (2)	.48 (1)	.51 (1)
United Kingdom ...	.18 (2)	.22 (3)	.43 (3)	.44 (2)
Netherlands	-.17 (5)	.33 (1)	.47 (2)	.40 (3)
Belgium	-.22 (7)	-.13 (6)	.19 (5)	.34 (4)
Norway	-.11 (4)	-.06 (5)	.21 (4)	.12 (5)
Germany	-.54 (9)	-.49 (9)	-.11 (7)	-.12 (6)
France	-.18 (6)	-.14 (7)	-.16 (8)	-.15 (7)
Denmark	-.09 (3)	-.02 (4)	-.10 (6)	-.17 (8)
Switzerland	-.60 (10)	-.57 (10)	-.31 (10)	-.30 (9)
Austria	-.47 (8)	-.42 (8)	-.18 (9)	-.30 (10)
Average	-.19	-.10	.09	.08

NOTE.—Higher scores indicate more inclusive policies. Countries are listed in the order of their degree of inclusiveness in 2008. Figures in parentheses indicate rank orders.

with strongly restrictive policies (both $-.30$); and Norway, Germany, Denmark, and France clustered in the middle with mildly inclusive to mildly restrictive policies (between $.12$ and $-.17$). If we compare this to the situation in 1980, we again find three groups, and 7 of the 10 countries are in the same group as in 2008: Sweden and the United Kingdom were already comparatively inclusive in 1980 ($.27$ and $.18$), Switzerland and Austria were already among the most restrictive countries ($-.60$ and $-.47$), and Denmark Norway, and France were situated in the middle of the spectrum ($-.09$ to $-.18$). The Netherlands, Belgium, and Germany followed a trajectory of comparatively strong liberalization, and as a result switched from the middle to the top group (the Netherlands and Belgium) or from the bottom to the middle group (Germany). In view of the importance that it has gained as a paradigm case of ethnocultural exclusiveness, the change in the relative position of Germany is perhaps the most striking. While in 1980 France and Germany were still far apart, by 2008 they were situated very close together, thus falsifying Brubaker’s earlier cited prediction that France and Germany would continue to define their citizenries in fundamentally different ways (1992, p. 186).

While the evidence thus contradicts a more rigid version of the path-dependence argument, overall the evidence is largely in line with hypothesis 3, as evidenced by the strong correlation between the rankings of countries in 1980 and 2008 (Spearman’s $\rho = .69$, $P < .05$). Of course, the stability of countries’ relative positioning varies across types of immigrant rights. Generally, country differences are somewhat more stable on the cultural rights dimension than on the individual equality dimension. For six of the substantive policy fields, we find moderate to strong

temporal continuity, with ρ 's ranging from .55 for access to naturalization ($P < .10$) to .84 for political rights, $P < .01$). In two policy fields, marriage migration and rights in the educational domain, we find no significant continuity in countries' relative positions. However, in both cases, the reason for the weaker temporal correlations is divergence, not convergence (see table 5).

Summing up, the descriptive evidence is only partly conclusive. The convergence hypothesis 2 must clearly be rejected because policy convergence was the exception rather than the rule. We did find evidence in favor of the other two hypotheses. Policies in 9 of the 10 countries and in all but one of the categories of rights were, in line with hypothesis 1, more liberal in 2008 than in 1980. However, the trend was not linear, as 5 of 10 countries and 7 of the 10 categories of rights showed partial reversals to more restrictive policies between 2002 and 2008. Evidence for hypothesis 3 about the stability of cross-national differences was also generally supportive with moderate to strong correlations between countries' relative positions in 1980 and 2008. However, some changes, most notably those in Germany, strongly deviated from historical patterns. Given this mixed pattern of support for some of the predictions of both the liberal convergence and national political process perspectives, we sustain the verdict for the time being and turn to the causal predictions that the two perspectives make.

Explanatory Findings

According to the liberal convergence perspective, we should expect inclusive policies of immigrant rights to be associated with EU membership (hypothesis 4) and strong judicial review (hypothesis 5). National political process theories predict inclusive immigrant rights to be associated with left-wing government incumbency (hypothesis 6), a weak populist right (hypothesis 7), and a large share of voters of immigrant origin (hypothesis 8). To investigate the merits of these five hypotheses, we conducted multivariate analyses in which we take levels of immigrant rights as the dependent variable, and use prior levels of the five variables that are suggested by hypotheses 4–8 as predictors. Because we take the initial differences that existed between countries in 1980 as a given that we do not seek to explain in this article, we additionally include the 1980 level of the dependent variable as a predictor. Thus, we investigate to what extent the five proposed mechanisms can explain to what extent and in which direction countries have moved away from the positions they occupied in 1980. In addition, the predictive power of the 1980 level indicates the degree of policy continuity and therefore serves as a further test of hypothesis 3 on national path dependence. Average economic growth lev-

els are added as a control variable. Because the independent variables are lagged one period, we retain 30 cases for analysis. To avoid that, with this low number of cases, the simultaneous inclusion of all seven predictor variables leads to spurious results, we use stepwise regression and include only those variables that attain at least a significance level of $P < .10$.¹²

Table 8 shows the results of these analyses for all 41 indicators of immigrant rights taken together, as well as separately for the two theoretical dimensions of individual equality and cultural difference rights. The results are very similar across the three regressions. The first important result is a negative one: we find no significant effects for the two mechanisms that are proposed by the liberal convergence perspective, EU membership and strong courts, and hypotheses 4 and 5 therefore have to be rejected. The lack of a relationship with EU membership can be illustrated by the descriptive findings in table 7 above. Although two EU countries that originally had rather exclusive citizenship policies, Germany and Belgium, show strong trends toward greater inclusiveness, the only country that reveals a net decline in inclusiveness over the period 1980–2008, Denmark, is also an EU member. For Austria and Sweden, which became EU members in 1995, we do not observe any impact of their accession to the EU. Between 1990 and 2002, Austria's score increased by 0.24 and Sweden's by 0.17, which is even a bit less than the increases in the two countries that did not join the EU during this period (Norway and Switzerland, +0.25 and +0.26).

Table 7 also illustrates the lack of association between levels of immigrant rights and the importance of the courts in the policy process. According to hypothesis 5, we should find either more inclusive levels of citizenship rights in countries with strong judicial review or a stronger trend toward liberalization, or both. The findings show that none of these is the case. Countries with medium to strong judicial review actually have, with the exception of Belgium, below-average levels of immigrant citizenship rights in 2008, while the three countries with the most inclusive citizenship policies—Sweden, the United Kingdom, and the Netherlands—are classified by Lijphart as having weak or no judicial review. Nor is there any relationship between trends in immigrant rights and the strength of judicial review: the countries with the greatest expansion in rights—Belgium, the Netherlands, and Germany—range from the bottom to the top of Lijphart's classification of judicial influence.

The results of the multivariate analyses are much more in line with the national political process perspective. To begin with, we find strong evidence of path dependence in the form of a powerful effect of the level

¹² We performed all stepwise regressions both forward and backward but obtained exactly identical results.

TABLE 8
RESULTS OF STEPWISE REGRESSIONS OF LEVELS OF IMMIGRANT RIGHTS, 1990–2008

	All Immigrant Rights	Individual Equality Rights	Cultural Difference Rights
EU membership	NS	NS	NS
Strength of judicial review	NS	NS	NS
1980 level of rights .....	.596 (.000)	.558 (.000)	.786 (.002)
Share of immigrant-origin voters .....	.042 (.001)	.039 (.002)	.042 (.002)
Vote share of right-wing populist parties ...	–.011 (.029)	–.011 (.058)	–.011 (.034)
Left-party government incumbency	NS	NS	NS
Economic growth	NS	NS	NS
Constant	–.004 (.961)	.002 (.977)	.056 (.615)
Adjusted R^2 .....	.74	.75	.66
N	30	30	30

NOTE.— Unstandardized regression coefficients and significance levels; NS = not significant.

of rights in 1980 on subsequent levels, confirming what table 7 already showed descriptively. More importantly, we find support for two of the three mechanisms proposed by this perspective. As predicted by hypothesis 8, a high share of voters of immigrant origin leads to higher subsequent levels of immigrant rights. Taking the regression for all immigrant rights as an example, a one standard deviation increase in the share of immigrant-origin voters (+3.4%) leads to a +0.14 increase on the scale of immigrant rights. In line with hypothesis 7 and with Howard's (2009) findings regarding naturalization policies, we find that a high vote share of right-wing populist parties reduces subsequent levels of immigrant rights. A one standard deviation increase in the vote share of the populist right (+8.0%) leads to a –.09 reduction in the level of immigrant rights. The only hypothesis drawn from the national political process perspective that must be rejected is hypothesis 6 about the effects of left-wing parties in government. Government incumbency of the right or left is not systematically associated with lower or higher levels of immigrant rights. This result concurs with Freeman's (2006) argument that both mainstream left and right parties tend to be split over immigration issues, and with Howard's (2009) empirical findings regarding policies on immigrants' access to nationality. Janoski (2010, pp. 236–37) finds a positive effect of left and green party power on naturalization rates when controlling for naturalization policies. This implies that left-wing party power affects the implementation of policies rather than the policies themselves and therefore does not necessarily contradict our results.

The economic growth control variable did not attain significance in

any of the models.¹³ This is in line with Howard's (2009) finding on the determinants of liberalization of nationality legislation, but contradicts Janoski (2010, p. 236), who found a positive impact of economic growth on naturalization rates. However, the latter result is difficult to compare with ours for two reasons. First, naturalization rates are different from naturalization policies and, importantly, depend not only on the motives of the state and political actors but also on the willingness and ability of immigrants to naturalize, which may depend on economic prospects in the country of residence, particularly in countries where sufficient income or absence of welfare dependence are conditions for naturalization. Second, the effect Janoski finds on rates controls for naturalization policies; that is, it indicates that economic growth led to higher naturalization rates given certain naturalization policies.

We additionally explored whether there were any significant interactions of the state of the economy with the political variables, for example, whether immigrant voters and left-wing governments had more and right-wing parties less impact on immigrant rights in times of high economic growth. We found no such effects. These negative results may be due to the fact that we focus here on the rights of permanently resident immigrants and not on the entry rights of new immigrants, which might be more strongly influenced by economic considerations of ethnic competition and labor market shortages. Against this interpretation, however, we did not find an effect of economic growth on marriage migration rights, which do have an entry rights component.

Closer inspection of the relationships between the significant independent variables shows that path dependence and the mechanisms of immigrant voter power and populist party strength are to an important extent interrelated. Taking the first regression in table 8 as an example, the 1980 score on immigrant rights alone accounts for 82% of the variance explained by the full three-variable model. However, if we exclude the 1980 score from the regression, the coefficients for the immigrant voter share and especially for populist party strength become much stronger and together account for a similar share of the variance explained by the full model (81%). The reason for these overlaps in explanatory power is that countries' initial policies on immigrant rights in 1980—which one may see as still strongly reflecting Brubaker's historical conceptions of nationhood—are significantly correlated with the likelihood that these

¹³ The effect of economic growth might be indirect via the political variables, e.g., because economic downturns stimulate the rise of right-wing parties. We investigated whether this was the case by entering economic growth into our models before the political variables, but found no significant effect of economic growth in that case either.

countries will subsequently develop sizable immigrant electorates or strong right-wing populist parties.

This is most strongly the case for the strength of right-wing populism, which is strongly negatively correlated ($r = -.50$, $P < .01$) with the 1980 score on immigrant rights, indicating that countries that had restrictive policies in 1980 were more likely to also be the countries where right-wing populist parties would subsequently be successful (see also Koopmans and Kriesi 1997). The strength of these parties, in turn, negatively influenced extensions of immigrant rights and thus kept these countries on restrictive paths. Conversely, countries that scored high on immigrant rights in 1980 were more likely to also be countries in which immigrant-origin voters made up a large share among the electorate in the following decades, although this relationship is not very strong ($r = .27$, $P < .10$). High shares of immigrant voters exerted pressure to keep these countries on inclusive paths.

Robustness Checks

The fact that there is a correlation, even if only a weak one, between the share of immigrant voters and the inclusiveness of immigrant rights raises a potential problem with the analysis presented in table 8. Six of our 41 indicators of immigrant rights, the five relating to naturalization policies and the one relating to voting rights for foreign residents, will directly affect the size of the immigrant electorate, and therefore the effect of the immigrant voter share on immigrant rights that we observed in table 8 may be partly due to the reverse causal process. To investigate whether this is the case, we repeated the three regressions in table 8 but excluded the naturalization and voting rights indicators from the dependent variables. The results (not shown in the table) reveal that the effects of the immigrant voter share remain significant and of a similar magnitude. We can therefore conclude that the effects we found in table 8 are not the result of reverse causality. What does change in the additional regressions is that the strength of the populist right becomes insignificant in the regressions with all immigrant rights and with individual equality rights as the dependent variables. This suggests that a strong populist right especially affects naturalization and cultural difference rights.

As a further test of the robustness of our results, we explore a second potential problem with the regressions in table 8. As we have seen in tables 5 and 7, there is in most policy areas and in most countries a temporal trend toward liberalization. Because the immigrant voter share also increases strongly over time, it may be that this variable just picks up a trend effect caused by some other process. To investigate this possibility, we repeated the stepwise regressions shown in table 8, but ad-

ditionally included a trend variable in the analyses, which simply counted the number of years since 1980. In the regressions for all immigrant rights and for individual equality rights, the trend variable did not attain significance, and the results therefore remain unchanged. In the regression of cultural difference rights, the trend variable was significant and the immigrant voter share did not enter the equation. From this we conclude that the immigrant voter share has especially had a liberalizing effect on individual equality rights. It may also have exerted such an influence on cultural difference rights, but here we cannot exclude the possibility that some unobserved trended process is responsible for the effect observed in table 8. When the trend variable is included in the regression of cultural difference rights, the effect of the populist right remains and becomes even a bit stronger.

As a final robustness check, we undertook a sensitivity analysis for the regression of all immigrant rights, in which we subsequently removed one country at a time from the analysis. The immigrant voter share remains significant in all 10 regressions. Right-wing populist party strength remains significant in 9 of the 10 regressions, but falls below significance—though it still has the correct negative direction—in the regression in which the Netherlands is excluded. The Netherlands is the country that has seen the most abrupt change in the strength of the populist right. Until 2001, it had a very weak populist right, on a similar level as Sweden and Germany. However, in the elections of 2002, the new party of Pim Fortuyn, who was murdered a week before the election, achieved a major breakthrough, capturing 17% of the vote. Later, Geert Wilders' Freedom Party picked up Fortuyn's electorate and achieved similar results. As table 7 above has shown, the Netherlands is also one of the countries in which the restrictive turn in immigrant rights policies has been most pronounced. The association between restrictions in immigrant rights and populist party strength thus seems to be especially driven by the Dutch case.¹⁴

¹⁴ We also conducted stepwise regressions taking the eight substantive areas of immigrant rights as dependent variables, using the same independent variables as were used in the analyses for table 8. In all regressions, the 1980 level was a significant and strong predictor of subsequent levels, indicating that country differences were relatively stable in all eight policy areas. Further, for naturalization rights and for other cultural rights, the results were exactly the same as those in table 8, with significant effects for both the immigrant voter share and the strength of the populist right, and no significant effects for the other variables. We find no significant effects of populist party strength on the other six policy areas. The share of immigrant voters also exerted a significant liberalizing effect on expulsion and antidiscrimination policies, but no significant impact on policies in the other areas. The other variables hardly played a role. Left-wing government incumbency did not attain significance in any of the regressions. EU membership was marginally significant ($P < .10$) and positive in the regression of public service access. This may indicate that the opening of public service jobs to

DISCUSSION AND CONCLUSIONS

We have investigated the merits of theories of cross-national convergence and national political processes in accounting for the evolution of immigrant citizenship rights in 10 European countries since 1980. On the descriptive level, we found evidence of liberalization in most policy areas, with the stark exception of marriage migration rights, and in most countries, with the exception of Denmark and France. However, in the period since 2002, this liberalization trend was partly reversed, and 5 of the 10 countries moved toward more restrictive policies. That countries partly moved in similar directions does not imply that they also moved closer together as implied by convergence theories. We found evidence of policy convergence in only two of the eight areas of immigrant rights that we analyzed (antidiscrimination and protection against expulsion), but strong divergence in four areas (access to public service employment, cultural rights in education, other cultural and religious rights, and marriage migration rights). Overall, therefore, cross-national differences in immigrant rights became larger rather than smaller over the period 1980–2008.

In addition, we found no support for the two causal mechanisms that the liberal convergence perspective offers to explain cross-national differences in the evolution of immigrant rights. Levels and trends of immigrant rights did not differ systematically between EU member countries, non-EU members, and countries that became EU members. In fact, the only country that became significantly more restrictive over time, Denmark, is a long-standing EU member. The EU directives on antidiscrimination legislation are often cited as evidence for a liberalizing impact of the EU on immigrant rights policies, and indeed we find policy convergence in this area, which, however, includes the two non-EU countries in our sample, Switzerland and Norway. Moreover, if one counts this as supportive evidence for EU-led liberal convergence, one also has to deal with the fact that in two other areas within the EU's scope of action, public service employment and marriage migration rights, we find policy divergence, not convergence.

Nor did we find evidence that pointed toward strong courts as a driving force behind liberalization. Countries with strong traditions of judicial review did not differ systematically from countries with weak or no judicial review. Against examples of liberalizing court rulings, one can point at counterexamples where courts upheld restrictive policies or blocked

citizens of other EU member states has had a weak spin-off effect on rights of non-EU citizens. The strength of judicial review was also significant once (and highly so, $P < .001$), again in the regression of public service access. However, the sign of this effect was negative and thus ran counter to the idea that strong courts are a source of liberalization.

liberalizations, for instance, when in 1990 the German Federal Constitutional Court aborted the initiative of three states to introduce voting rights for foreigners. Our results suggest that the truth lies in the middle: insofar as domestic courts have affected immigrant rights, they have on average had neither a liberalizing nor a restrictive effect.

By contrast, the results strongly underline the role of electoral factors in explaining changes in immigrant rights. We found support for two of the three causal mechanisms proposed by the national political process perspective. They help us understand why some countries have liberalized immigrant rights more than others, and why recently many of them have moved again toward more restrictive policies. Our analyses point toward the growth of the electorate of immigrant origin as an important driving force behind expansions of rights. By 2008, immigrants and their second-generation descendants made up between 3% and 12% of the national electorate of our countries of study, and between 6% and 18% of the local electorate. Even in countries with restrictive naturalization and no voting rights for aliens, immigrants can over time become a sizable part of the electorate as long as their numbers are large enough, for example, in the case of Switzerland. This makes the liberalization of immigrant rights to some extent a self-reinforcing process. As more immigrants obtain voting rights, political parties will become more inclined to cater to their interests, which may entail liberalizations of naturalization and voting rights that increase the size of the immigrant-origin electorate further.

However, these electoral pressures in favor of liberalization can be countered by successful right-wing populist parties, who mobilize native voters opposed to extensions of immigrant rights. Our analyses demonstrated that such populist parties have especially been successful in provoking restrictions in the areas of naturalization and cultural rights. Their increased success during the 1990s, and even more so in the wake of September 11, 2001, has contributed importantly to the restrictive turn in immigrant rights policies that we observe in many countries, most outspokenly in the Netherlands, where there has been a dramatic rupture in the success of the populist right in the first decade of this century. We found no evidence, however, that mainstream left or right government incumbency matters. Apparently, the lure of immigrant voters and competition from the populist right affect mainstream left and right governments in similar ways.

Combining the two central electoral politics mechanisms, we can distinguish four configurations. Sweden, the United Kingdom, and, until 2002, the Netherlands exemplify the first configuration, characterized by very weak populist right parties and a large share of voters of immigrant origin. This provides the optimal scenario for liberalization, in which mainstream parties have much to win and little to lose by extending

immigrant rights. In the Netherlands, this situation has dramatically changed since the political murders of two vocal critics of multiculturalism and Islam, the politician Pim Fortuyn in 2002 and filmmaker Theo van Gogh in 2004. The ensuing breakthrough of right-wing populist parties explains why the Netherlands has played a leading role in the restrictive turn in immigrant rights policies in the last decade. Absent such a breakthrough of the populist right, Sweden and the United Kingdom have continued on more inclusive paths. The electoral success of Sweden's populist right in the 2010 elections may, however, signal a reversal also in Sweden.

Diametrically opposed to this configuration we find Austria, Denmark, and Norway, which are characterized by strong right-wing populist parties and relatively small immigrant electorates. This is the scenario that is least likely to lead to liberalization of immigrant rights because for mainstream parties there is little to win and much to lose when they embark on such policies. All three countries showed below-average liberalization, Austria had become by 2008 the most restrictive country, and Denmark was the only country that saw net restrictions in immigrant rights over the entire period 1980–2008. The reasons why these countries have small immigrant electorates differ. In Austria, it results from restrictive naturalization and voting rights policies in spite of a large immigrant population. Denmark and Norway, however, initially had comparatively liberal naturalization and voting rights policies, but still have a small immigrant-origin electorate because their immigrant populations are relatively small.

The four remaining countries had more ambiguous configurations of electoral opportunities. Germany combined a very low immigrant voter share—the result of restrictive naturalization and voting rights policies rather than of a small immigrant population—with a very weak populist right. As a result of the absence of strong right-populist electoral pressure, Germany has seen a comparatively strong liberalization of immigrant rights. Switzerland has the opposite pattern, with the strongest populist right among the 10 countries, but also a high immigrant voter share. As in the case of Germany, this ambiguous configuration has resulted in more liberalization than in countries such as Denmark and Austria, but because in 1980 Switzerland had by far the most restrictive policies among the 10 countries, it was in 2008 still, together with Austria, one of the two most restrictive countries.

France and Belgium, finally, have scores around the average on both populist party strength and immigrant voter shares. In the case of France, this is associated with a high degree of stability regarding immigrant rights; in Belgium, with strong liberalization. While the French pattern of stability reflects the countervailing voter pressures of populists and immigrants, Belgium's strong liberalization defies our explanatory model.

This is particularly true for the Flemish part of the country in which the vote share of the populist right is much higher than in the French-speaking part of the country, and has been so already since the 1980s. In spite of this strong competition from the right, Belgium's mainstream parties have maintained a strict "cordon sanitaire" of noncooperation with the populist right and have responded with liberalization rather than with restrictive policies to this challenge. Why such a strategy was chosen and maintained in Belgium is an interesting question for further case-oriented research. The intricacies of coalition building across the two language communities, and the fact that the Flemish populist right has not only an anti-immigrant but also a secessionist agenda may explain why Belgian mainstream parties have not given in to pressure from the populist right.

While these electoral factors are important to understand changes over time, we found that there was also a great deal of continuity in countries' policies on immigrant rights. In fact, the 1980 level of rights in a country was the single best predictor of where a country stood at later points in time, indicating a high level of institutional inertia. As a result, the rank order from more inclusive to more restrictive countries was remarkably stable over time. Moreover, we found strong evidence that changes over time were path dependent in the sense that the relative power of the electoral mechanisms of right-wing populist party strength and the immigrant voter share were not randomly distributed across the countries, but were correlated with countries' initial policy positions in 1980.

Countries that had restrictive policies in 1980 were more likely to also be the countries where right-wing populist parties were subsequently successful. The strength of these parties, in turn, negatively influenced extensions of immigrant rights and thus kept these countries on restrictive paths. Switzerland and Austria are good examples of this pattern. They were, respectively, the first- and third-most restrictive countries in 1980 and were also the two countries where right-wing populist parties were subsequently most successful (average vote shares across the 1980–2008 period of 20.8% and 17.3%, respectively; see table 3). We find the opposite pattern for the United Kingdom and Sweden, the two most inclusive countries in 1980, which also had, respectively, the weakest (0.3%) and the third weakest (1.6%) populist right in subsequent decades.

The one deviation from this pattern is Germany, but it is the proverbial exception that proves the rule. In 1980, Germany had the second-most restrictive policies after Switzerland, but by 2008 it had overtaken not only Austria, but also Denmark and, most significantly if we consider Brubaker's prediction that this was extremely unlikely to happen, even France. Germany is, however, also the only among the originally strongly restrictive countries in which right-wing populist parties have not gained a foothold. Across the period 1980–2008, they commanded on average

only 1.5% of the vote. The reason lies in the strong taboo that prevails in German politics regarding anything that can be associated with the Nazi past. This has led to the banning of several right-wing political formations and the brandishing of others as “enemies of the constitution” under surveillance of the internal security agencies (Minkenberg 2006). Although right-wing populist parties have had occasional successes on the regional level, the illegitimacy that surrounds them has thus far prevented a populist right-wing party from gaining seats in the national parliament. Germany does defy Brubaker’s prediction, but it does so as a result of the rupture caused by its role in the Second World War and the Holocaust, and the legitimacy problems that this poses to right-wing populist parties.

Conversely, countries that scored high on immigrant rights in 1980 were more likely to also be countries in which immigrant-origin voters made up a large share among the electorate in the following decades, thus creating a self-reinforcing process of rights extension. Sweden, which had the highest score on immigrant rights in 1980 as well as high shares of immigrant voters, exemplifies this pattern best. To a lesser extent, it also fits the United Kingdom, which had the second-highest score on immigrant rights in 1980 and an above-average share of immigrant voters. On the other side, Germany and Austria exemplify the pattern that countries that were originally restrictive on immigrant rights tend to have lower shares of immigrant voters. In Austria, this strengthens the restrictive tendencies resulting from strong right-wing populist parties, which explains why Austria dropped from the eighth to the tenth place in the country ranking of immigrant rights. In Germany, the lack of immigrant voter pressure is counterbalanced by an equally weak populist right, resulting in stronger liberalization tendencies.

There are two major deviations from the pattern that initially restrictive countries will have low and initially inclusive countries high immigrant voter shares, but again these exceptions are instructive. Immigrant voter shares are only loosely linked to policies because they are strongly affected by the number of immigrants. Switzerland is the first case in point: it has comparatively restrictive naturalization policies and no voting rights for foreigners, but because the immigrant population is so large (across 1980–2008, the foreign-born made up 21.5% of the Swiss population against an average of 10.4% across all 10 countries), it still has a comparatively high share of immigrant-origin voters. This has mitigated the negative pressure on immigrant rights that results from Switzerland having the strongest populist right, which helps us understand why Switzerland has shown stronger liberalization tendencies than Austria. Denmark is the second case in point. It had the third-most liberal immigrant rights policies in 1980, but has the smallest foreign-born population of the 10 countries

(5.5% on average for the period 1980–2008). As a result, it has, in spite of initially comparatively liberal naturalization policies and local voting rights for foreigners, the second-smallest share of voters of immigrant origin after Germany (see table 4). In combination with an above-average vote share for the populist right (9.3%; see table 3), this helps us understand why Denmark has been the only country where there has been a net decrease in the level of immigrant rights from 1980 to 2008.

Thus, we find that there is no contradiction between path dependence and the role of electoral factors, because often electoral factors acted as the mechanisms by which nationally specific trajectories were reproduced over time. Initially restrictive countries tended to provide fertile grounds for right-wing populist parties and had small immigrant voter populations, resulting in continued restrictiveness. Initially inclusive countries tended to have weak populist parties and large immigrant voter populations, resulting in change along inclusive paths. Deviations from these patterns occurred where historical ruptures delegitimized the radical right (Germany), or where immigrant numbers were exceptionally low (Denmark) or high (Switzerland), thus disturbing the otherwise strong linkage between the inclusiveness of policies and the size of the immigrant voter bloc.

All in all, our results suggest that immigrant rights are still very much a national affair, and there are no indications that this is fundamentally changing. National policies on immigrant rights show strong continuities, and the factors behind changes are also predominantly national. Further research should investigate the generality of our findings by extending the geographical scope beyond western Europe. Postnational theories in particular would perhaps fare better when the scope of investigation is broadened. Although our analysis included EU and non-EU countries, one might argue that countries such as Norway and Switzerland, or Austria and Sweden before accession, are nonetheless strongly influenced by the EU to which they are tied by intimate economic and social linkages as well as bilateral treaties. Perhaps analyses with a broader geographical scope would reveal evidence of European convergence in comparison with immigration countries such as the United States, Canada, or Australia.

A further restriction of our study is that we have focused on the rights of those who have already obtained legal residence in a country, rather than the entry rights of (prospective) new immigrants, be they labor migrants, asylum seekers, or undocumented migrants. Rights related to the entry of immigrants may be affected by different mechanisms—for example, by economic considerations related to labor market shortages—than the rights of legal residents and may also reveal a different balance between national and supranational, and between electoral and judicial

forces. Here too, systematic longitudinal and cross-national comparisons would offer a promising extension to existing case-oriented accounts.

APPENDIX

Estimation of the Electorate of Immigrant Origin

To estimate the share of the electorate of immigrant origin, data on the foreign-born population (e.g., United Nations Population Division 2008; Kesler and Bloemraad 2010) are not suited because they do not take into account that many immigrants do not have voting rights. The share of immigrants with voting rights varies strongly across countries and over time due to differential naturalization rates and postcolonial migration. Alternatively, one could subtract the foreign (i.e., noncitizen) population (e.g., Migration Information Source 2010) from the foreign-born population to obtain an estimate of the first-generation immigrant population with voting rights. Although this measure has the advantage of simplicity, it contains three important inaccuracies that distort cross-national comparison. First, it is biased by the fact that in countries with restrictive nationality acquisition, a substantial part of those with foreign citizenship are not foreign-born immigrants but belong to the second generation of children of immigrants born in the country of immigration. Second, the measure does not take into account that foreign citizens may have voting rights. In the Scandinavian countries, foreign citizens have had voting rights on the local level since the beginning of our period of study, and the same has been true for the Netherlands since 1985. With the Maastricht Treaty of 1992, citizens of EU countries residing in another member state received local voting rights. In the United Kingdom, citizens of Commonwealth countries and of the Republic of Ireland have voting rights on all levels of the polity. Third, while in a strict sense one might argue that all foreign-born are immigrants, some belong to the same ethnic group as the majority population of the country of immigration. Especially in the case of countries that lost territories through defeat in the Second World War (Germany) or through decolonization (France, the United Kingdom, the Netherlands), substantial numbers of foreign-born people are coethnics of the majority population who arrived with full citizenship rights and no claims to cultural difference. We prefer to exclude these coethnic migrants from our measure because they are not likely to exert the same kind of electoral pressure toward extending immigrant rights as will immigrant voters who belong to different ethnic and religious groups than the majority population. Coethnic migrants tend to be affiliated with the political right, for example, the “Aussiedler” from eastern Europe in

Germany or the “pieds noirs” from Algeria in France (Wüst 2003; Comtat 2009).

We therefore calculated a more complex measure that takes into account these factors and also includes the second-generation offspring of immigrants. As a first step, we calculated for each of our measurement points the cumulative number of persons naturalized since 1970 based on a variety of data sources (Lederer 1997; Janoski 2010; Migration Information Source 2010; OECD 2010). Using Janoski’s (2010) estimates, we included *jus soli* acquisitions of nationality by the second generation in France and the United Kingdom. We further adjusted these figures for the three countries—France, the Netherlands,¹⁵ and the United Kingdom—where immigrants from former or remaining colonies held citizenship upon arrival or, in the case of the United Kingdom, have national-level voting rights even if they do not have the British nationality. For the Netherlands, we used data provided by Nicolaas and Sprangers (2007) and added for each measurement year the numbers of persons who were either born in Surinam and the Dutch Antilles or had at least one parent born there. We did not add all persons born in Indonesia because a substantial part of these immigrants were ethnic Dutch, who returned to the Netherlands after Indonesian independence. However, another part of the Indonesian foreign-born consists of ethnic Indonesians and people of mixed race. Precise estimates of the relative sizes of these two groups are not available, and we therefore added 50% of the Indonesian foreign-born and their children to our estimate of immigrants with voting rights. For France, we added the 91,000 Harki-Algerian Muslims who served in the French colonial army—who came to France between 1962 and 1968 as well as, based on data provided by INSEE (2002), all persons born in the so-called DOM TOM (Départements et Territoires d’Outre Mer, i.e., the remnants of the French colonial empire; e.g., Guadeloupe, Martinique, French Guyana, Réunion, and New Caledonia). We obtained an estimate of the second generation for these groups by adding the percentage of foreign-born 20 years prior to the current number of foreign-born from these groups, that is, assuming that a generation later, the first generation would have exactly reproduced itself. This method seems adequate because according to estimates by Solis Conseil (2009), there were, in 2009, 757,000 persons of DOM TOM origin in metropolitan France, which is indeed about twice the number of first-generation persons born in the DOM TOM according to the 1999 census (356,834). For the United Kingdom, we added all persons born in a Commonwealth country or in the Republic of Ireland, who all have voting rights, regardless of nationality

¹⁵ The native inhabitants of the former Belgian Congo have never had a claim to Belgian citizenship.

status. We do not need to further include the second generation from these groups because they are already included in our naturalization figures because of *jus soli* acquisition.¹⁶

The figures thus obtained were divided by the total population of the country minus the foreign population to obtain the final estimate of immigrants with national voting rights as a share of the total electorate. Ideally, we would of course need to calculate both immigrants with voting rights and the total electorate on the basis of the population of 18-year-olds and older, but because of data limitations, it is impossible to calculate such age-specific data. Because the share of under-18-year-olds is higher among immigrants, this implies that we somewhat overestimate the share of immigrant voters, but we can assume that this bias is roughly stable across time and across countries.

This, however, does not yet take into account local voting rights for foreign citizens. For those cases with local voting rights for all foreigners (Sweden, Norway, and Denmark, as well as the Netherlands from 1990 onward), we added the percentage of foreigners of all nationalities to the share of immigrants with national voting rights to obtain the share of immigrants with local voting rights. For EU countries with local voting rights for EU citizens only, we added the percentage of foreigners from EU countries (calculated on the basis of Eurostat 2010) to obtain the share of immigrants with local voting rights.¹⁷

Table A1 gives the resulting percentage shares of the electorate of immigrant origin for the national and local polity levels for each country and measurement year.

¹⁶ This procedure is only approximately accurate because some of the Commonwealth born will have naturalized and are therefore already included in our cumulative naturalization figures. However, against this, there are no data available on the second-generation offspring of people of non-British descent who came to Britain in the decolonization period carrying full British citizenship, because they acquired British citizenship neither by regular naturalization nor by *jus soli*, but simply by being born to a UK citizen. We assume that these two biases roughly cancel each other out. We found data on the origin countries of the foreign-born population only for 2001 (Migration Information Source 2010). In that year, 55% of the foreign-born originated in a Commonwealth country. Assuming that the share of the Commonwealth born among all foreign-born has been roughly stable over time, we used this percentage to calculate estimates of the Commonwealth-born population by multiplying the foreign-born population for each measurement year by a factor of .55.

¹⁷ Subtracting the UK Irish nationals, who are already included in the percentage of immigrants with national voting rights.

TABLE A1
ESTIMATES OF THE SHARE OF VOTERS OF FIRST- OR SECOND-GENERATION IMMIGRANT
ORIGIN AMONG THE NATIONAL AND LOCAL ELECTORATES IN 10 COUNTRIES, 1980–2008

	1980		1990		2002		2008	
	National	Local	National	Local	National	Local	National	Local
Austria .....	.9	.9	2.0	2.0	4.9	8.3	7.4	11.3
Belgium .....	.7	.7	2.2	2.2	6.1	11.7	8.1	14.3
Denmark .....	.7	2.6	1.4	4.3	2.0	6.9	3.2	9.0
France	2.5	2.5	4.8	4.8	7.3	9.2	9.9	11.9
Germany .....	.2	.2	.5	.5	1.8	4.9	2.8	5.7
Netherlands	2.5	2.5	4.8	9.1	9.5	13.8	10.3	14.7
Norway .....	.4	2.3	1.1	4.4	3.4	7.8	5.1	11.5
Sweden	2.2	7.3	4.5	10.1	9.1	14.4	11.4	17.5
Switzerland	3.0	3.0	5.2	5.2	8.6	8.6	11.9	11.9
United Kingdom ...	2.1	2.1	4.3	4.3	6.7	8.3	10.2	12.6

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